IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Bail Appl..No. 1113 of 2007()

CMP.89/2007 of J.M.F.C.-II, HARIPAD

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(CRIME NO.162/2006 OF KARTHIKAPPALLY EXCISE RANGE IN ALAPPUZHA DISTRICT)

PETITIONERS/ACCUSED.

KARTHIKEYAN, AGED 51 YEARS,
S/O.KESAVAN, NILAMNIKARTHIL, AREEKATHARA,
KANJOOR, KOTTAKKAKAM MURI, CHINGOLI VILLAGE,
KARTHIKAPPALLY TALUK.

BY ADV. SRI.G.RAJEEVKUMAR

RESPONDENT: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1113 OF 2007

Dated this the 27th day of February, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in C.R. No.162/2006 of Karthikappally Excise Range for offences punishable under Secs.8 (1) and 8(2) of the Abkari Act for having been found in possession of five liters of illicit arrack on 16.12.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. Eventhough the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in two other crimes involving similar offences, the fact remains that the final report has not been filed in court even after 70 days of detention of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Haripad and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

d. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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